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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 00-169
Table of Allotments,	)	RM-9953
FM Broadcast Stations.	)	
(Oswego and Granby, New York)	)	

To: Chief, Allocations Branch

REPLY COMMENTS OF GALAXY COMMUNICATIONS, L.P.

Galaxy Communications, L.P. ("*Galaxy*"), licensee of radio station WTKV(FM), Oswego, New York, by its attorneys, hereby submits these reply comments in response to the comments and minor modification application filed by Cram Communications, LLC ("*Cram*"), licensee of WVOA(FM), DeRuyter, New York, on November 6, 2000. (the "*Cram Comments*"). These reply comments are filed in support of Galaxy's above-referenced Petition for Rule Making (the "*Petition*") requesting amendment of Section 73.202(b), the FM Table of Allotments, to reallot Channel 288A from Oswego to Granby, New York and to modify WTKV's license to specify Granby as its community of license.

Cram's counterproposal consists of a modification application for WVOA(FM) to relocate the WVOA(FM) transmitter site to a location which is closer to Syracuse than its current site. WVOA(FM)' transmitter site move only can be accomplished if the reference coordinates specified in Galaxy's Petition are changed to a location that is less preferable for Galaxy than the site it proposed in its Petition. The Commission should reject Cram's counterproposal and minor change application, because they are comparatively inferior to Galaxy's proposal, which would

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provide first local service to Granby. However, if the Commission believes that the public interest would be served by accommodating Cram's modification application, it either should require Cram to amend its application to specify a new transmitter site that is fully spaced to the reference coordinates specified by Galaxy in the Petition, or accept new coordinates for both Cram's transmitter site change and the Granby reference point.

DISCUSSION

In response to the NPRM, Cram filed comments and a minor modification application. Under well-established Commission policy, this application is deemed a counterproposal to Galaxy's change of community of license and the two proposals must, therefore, be comparatively considered. *Roxton, Texas and Soper, Oklahoma*, 13 FCC Rcd 20992 (1998). The Commission's FM allotment priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Equal weight is given to priorities (2) and (3). *Revision of FM Assignment and Policies and Procedures*, 90 FCC Rcd 2d 88 (1982).

Under this allotment priority scheme, it is clear that Galaxy's proposal is superior. Galaxy proposes a first local transmission service to Granby, thereby serving priority (3), while Cram merely proposes an increase in service area which is considered an other public interest factor (priority (4)). Commission precedent consistently has affirmed the basic proposition that the provision of first local service is comparatively preferable under Section 307(b) of the Communications Act to a mere modification application. Indeed, the Commission has emphasized that "an application is considered, in the absence of a showing to the contrary, to

represent no more than the applicant's preference for a particular transmitter site. Accommodation of an applicant's preference provides minimal public interest benefits, and thus *virtually any conflicting proposal involving a net public interest benefit will be preferred.*" *Amendment of the Commission's Rules To Permit FM Channel and Class Modifications by Application*, 8 FCC Rcd 4735 at ¶¶ 17-18 (1993) (setting forth procedure for resolving conflicts between rulemakings and later-filed modification applications) (emphasis added). Consequently, Galaxy requests that based on this precedent, the Commission grant Galaxy's proposal without considering the alleged public interest benefits of the modification application asserted by Cram in its comments.

In any event, Cram's modification application would not be comparatively preferable to Galaxy's proposal. Galaxy's Petition would provide first local service to Granby, a community of approximately 7,200 persons. The Petition proposed facilities that would comply fully with all of the Commission's domestic spacing rules and would dramatically reduce an existing international short-spacing to Channel 289B Kingston, Ontario. Under Galaxy's proposal, WTKV(FM) also would comply with the Commission's rules relating to line of sight service and principal community coverage to Granby. Furthermore, Galaxy's proposal would provide a net service gain of approximately 132,516 persons, and create only a *de minimis* loss area, whose residents would remain well-served by at least five full-time services.

Conversely, the public interest benefits proffered by Cram's proposed transmitter site change are outweighed by technical and legal deficiencies in its application. Cram explains that its proposal involves "a slight change in the reference coordinates for Galaxy's proposed site." Cram Comments at p. 3. In fact, the change Cram proposes cuts the service gain proposed by

Galaxy nearly in half, from 132,516 to approximately 70,000 persons. Not only does the "slight" accommodation that Cram proposes significantly negatively impact the benefits Galaxy would realize from its proposal, it also would enable Cram to significantly increase its coverage to the north and east of DeRuyter, thereby providing a much stronger signal to Syracuse, Rome and Utica.

The Commission should not countenance the "slight change" Cram disingenuously proposes. Acceptance of Cram's proposal would require that the reference coordinates specified in Galaxy's Petition be modified, effectively creating a site restriction to Cram's proffered transmitter site. This is inconsistent with well-established Commission policy which directs that channels be allotted with the least site restrictions possible in order to provide greater flexibility in selecting transmitter sites. *Vacaville and Middleton, California*, 4 FCC Rcd 8315 (1989), *recon. denied*, 6 FCC Rcd 143 (1991).

In sum, Cram's proposal would disserve the public interest, while elevating to decisional status its mere private interest in retaining its chosen transmitter site. Furthermore, it appears that Cram chose its transmitter site to limit the service gains to Granby and its surrounding areas proposed by Galaxy while permitting Cram to modify its coverage to simply add yet another reception service to Syracuse, Rome and Utica. As Cram's own engineering exhibit demonstrates, these metropolitan areas already are extremely well-served. See Cram Comments Engineering Statement at Figure 8. In fact, virtually all of the services gains that would result from Cram's transmitter site move would occur within these already well-served areas.

Cram's modification application also is comparatively inferior to Galaxy's Petition because Cram's proposal would create a large loss area of over 40,000 persons (approximately

19% of the population gain). The Commission generally disfavors large service loss areas because "the public has a legitimate expectation that existing service will continue. . . " This loss of service must be weighed against other proposed public interest benefits. *DeRuyter and Chittenango, New York, Notice of Proposed Rulemaking*, 13 FCC Rcd 4332 (1998) (proposing change of community of license to city 30 kilometers north of DeRuyter by WVOA(FM)) (citation omitted).[1] More importantly, Cram's move will create an underserved area of 1,621 persons to the south of DeRuyter. Once Cram moves its transmitter site to the north to better serve Syracuse, Utica and Rome, this area will receive only four reception services. Thus, the proposal is contrary to the Commission's long-standing policy disfavoring the creation of underserved areas. *Modification of FM and TV Authorizations to Specify a New Community of License, Memorandum Opinion and Order*, 5 FCC Rcd 7094 (1990)

Cram's proposed site change suffers from other deficiencies that further cloud its public interest benefits. First, Cram's proposal would neutralize the lessening of the short-spacing between WTKV(FM) and Canadian Channel 289B, Kingston Ontario, that would result from the implementation of Galaxy's proposal. specified in Galaxy's Petition. Secondly, Cram will not provide line of sight coverage to all of DeRuyter as required by Section 73.315 of the Commission's rules. Cram Comments Engineering Statement p.5 n.1. Third, Cram's transmitter site change will nearly double the existing eight kilometer short-spacing between WVOA(FM)

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[1] WVOA(FM) eventually withdrew its support for the petition, which would have removed DeRuyter's sole local transmission service, in the face of withering opposition. WVOA(FM) now seeks to do by modification what it could not do by rulemaking only two years ago.

and WBBS(FM), Fulton, New York,[2] with an obvious increase in the actual interference between the stations.[3]

Thus, based on long-standing precedent, in light of the foregoing discussion, and the Commission's policies for comparatively considering allotment counterproposals, Galaxy's proposal is superior to Cram's modification application. Galaxy's proposal would substantially serve the public interest by providing first local service to Granby. Additionally, the proposal fully complies with all Commission rules and policies. Cram's proposed modification, in contrast, would result only in increased service to areas that are already well-served areas, thereby benefitting Cram's interest rather than the public's interest. Rather, Cram's proposal would result in substantial non-compliance with significant Commission rules and policies. Consequently, the Commission should grant Galaxy's Petition and reject Cram's counterproposal

If the Commission concludes that despite the superiority of Galaxy's proposal under the Commission's allotment priorities, the public interest would be served by attempting to accommodate both parties, it should require Cram to amend its minor modification application to select a transmitter site that is fully spaced to Galaxy's specified reference coordinates. As discussed, *supra* at p. 4, the Commission prefers to allot channels with the least possible site restrictions. Because Cram's counterproposal is inconsistent with this policy and suffers from

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[2] WBBS(FM) is owned by a subsidiary of Clear Channel Communications, which has an application pending to acquire WVOA(FM). Thus, it is unlikely that the WBBS(FM) will defend its listeners' rights and object to Cram's proposal to increase the short-spacing.

[3] Cram contends that its proposal also will eliminate four existing short spacings and reduce a fifth. At least two of those short-spacings, however, are grandfathered short-spacings where the public presumably has become accustomed to any diminution in signal quality resulting from the interference.

numerous other public interest deficiencies, the Commission should require that Cram modify its application accordingly to comply with the Commission's rules and policies.

Alternatively, if the Commission determines that the public interest would be served by adopting some other resolution to the conflict between Galaxy's Petition and Cram's counterproposal, Galaxy would be willing to change its specified reference coordinates if Cram agrees to modify its proposed transmitter site. For example, if Galaxy specified reference coordinates of 43-17-44, 76-26-16 and Cram moved the WVOA(FM) transmitter site to 42-56-03, 75-45-18, both proposals could be implemented with no site restriction and significantly greater public interest benefits than those proposed by Cram in its counterproposal.

Specifically as set forth in the attached Engineering Statement of Munn-Reese, Inc., from these revised coordinates, the combined net service gain from WTKV(FM)'s move to Granby and WVOA(FM)'s reorientation toward Syracuse would be greater than that suggested in Cram's counterproposal. From the revised transmitter site, the underserved area created by WVOA(FM) in its modification application would be decreased, its short spacing to WILQ(FM), Williamsport, Pennsylvania, would be further minimized and it would no longer virtually double the short-spacing to WBBS(FM). Additionally, there would be other public interest benefits to both WVOA(FM) and WTKV(FM) as described in the attached Engineering Statement.

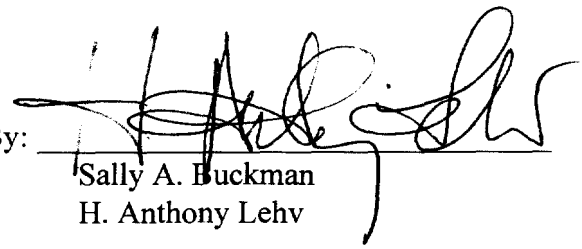
CONCLUSION

Galaxy's Petition presents a proposal that would result in a preferential arrangement of the allotments that also would comply with all applicable Commission rules and policies. Conversely, Cram's modification application represents a mere transmitter site preference that

merits little comparative benefit under Section 307(b). Because Cram's proposal also suffers from numerous technical and legal flaws, rendering it inferior to Galaxy's Petition, the Commission should grant the Petition and dismiss Cram's application. If the Commission concludes that the public interest would be served by attempting to reconcile the proposals, it should require to Cram to modify its application to select a transmitter site which would not require a site restriction for WTKV(FM) and from which WVOA(FM) would comply with the Commission's rules and policies. Finally, if the Commission intends to accommodate both proposals, it should require modifications from both Cram and Galaxy to specify transmitter sites and reference points that best serve the public interest, such as those indicated in Galaxy's attached Engineering Statement.

Respectfully Submitted,

GALAXY COMMUNICATIONS, L.P.



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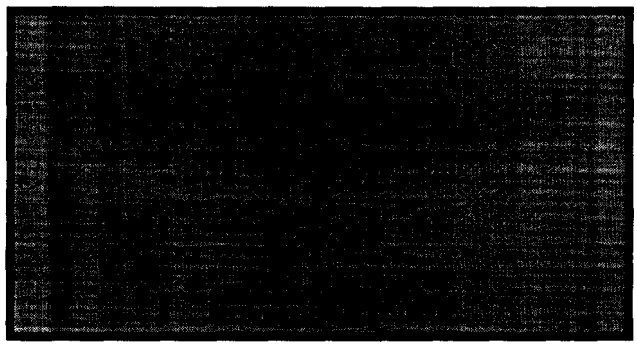
Dated: November 21, 2000



MUNN–REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

CERTIFICATION OF ENGINEER

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

This report has been prepared by properly trained electronics specialists, under the direction of the undersigned, whose qualifications are a matter of record before the Federal Communications Commission.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed to be accurate, errors or omissions in the database and file data are possible. This firm cannot be held liable for damages as a result of those data errors or omissions.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

November 16, 2000

MUNN-REESE, INC.

By _____
Wayne S. Reese, President

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DISCUSSION

This firm was retained to respond to a counterproposal by Cram Communications, L.L.C. (Cram), licensee of FM broadcast station WVOA, Deruyter, NY, filed in the instant rulemaking. Cram's proposal consists of filing a construction permit application which is short-spaced to the rulemaking reference point coordinates specifed by Galaxy Communications, L.P. (Galaxy) for Channel 288A at Granby, NY for WTKV(FM), currently licensed to Oswego, NY. Under Cram's proposal, WVOA would change its transmitter site location. By proposing this change, WVOA would substantially increase the population it covers but would substantially reduce the population covered by the rulemaking proposal at Granby. In the event that the Commission decides it is in the public interest to accommodate any of the WVOA proposal, Galaxy, by this engineering report, proposes a new transmitter site location for WVOA and revised reference point location for the Granby rulemaking that restores WTKV's service gain and proposes an increased overall net population gain for the two stations and would minimize the technical and legal deficiencies in Cram's proposal.

GRANBY, NY: Galaxy, the licensee of WTKV(FM), Channel 288A, Oswego, New York, filed a petition for rulemaking (RM-9953, MM Docket No. 00-169) to collectively adopt the following proposal: (a) to delete Channel 288A from Oswego, New York; (b) to add Channel 288A to Granby, New York; and (c) to modify the license of WTKV(FM) to specify operation on Channel 288A at Granby, NY in lieu of operation on Channel 288A at Oswego, NY. That rulemaking proposed reference coordinates of NL 43-17-00 and WL 76-25-00. From this location, assuming maximum Class A facilities, the WTKV 1 mV/m contour would cover a population of 246,709 persons in an area of 2,374.3 km^2. The present WTKV operation at Oswego, NY covers a population of 96,718 persons in an area of 1,508.1 km^2. The Cram proposal suggests the modification of reference coordinates to NL 43-18-26 and WL 76-27-23, which is a move of approximately 4 kilometers. From this location, assuming maximum Class A facilities, the WTKV 1 mV/m contour would cover a population of 183,079 persons within an area of 2,167.8 km^2. Cram's proposal would mean the loss of service to 63,630 persons within the proposed 1 mV/m contour from the pending rulemaking proposal. Additionally, Cram's proposal creates an underserved area, worsens the short-spacing of WTKV(FM) to Channel 289B, Kingston, Ontario, and virtually doubles the short-spacing and harmful interference to WBBS(FM), Fulton, NY.

DISCUSSION

In order to eliminate the deficiencies and avoid an unnecessary site restriction, Galaxy now proposes to modify its reference coordinates for the Granby rulemaking to NL 43-17-44 and WL 76-26-16. This is a move of approximately 2 kilometers from the original reference coordinates, instead of the 4 kilometers proposed by the Cram proposal. From this location, assuming maximum Class A facilities, the WTKV 1 mV/m contour would cover a population of 215,684 persons in an area of 2,276.8 km². The following table shows the comparative gain and loss figures between the Galaxy and Cram proposals.

	GAIN AREA	
Facility	**Population**	**Area**
Cram Proposal	88,517	745.42 km²
Granby Modification	120,880	860.60 km²

	LOSS AREA	
Facility	**Population**	**Area**
Cram Proposal	2,156	85.73 km²
Granby Modification	1,914	91.85 km²

	NET GAIN AREA	
Facility	**Population**	**Area**
Cram Proposal	86,361	659.69 km²
Granby Modification	118,966	768.75 km²

Figure A of this engineering report shows the tabulation of the allocation's spacing requirements. In order to restore Galaxy's proposed service gains and remedy the technical flaws of Cram's proposal, the Commission should require that Cram amend its application to specify a transmitter site that meets the separation requirements to WTKV's revised reference point. Figure B is a portion of the Fulton, NY topographical map showing the location of the revised reference coordinates for Granby. Figure C is a map showing that the 3.16 mV/m (70 dBu) city grade contour will cover 100% of the corporate boundaries of Granby from the revised reference coordinates. From these coordinates, WTKV also would provide line of sight coverage to Granby. Figure D is a tabulation of the population and area for the revised Granby proposal. Although Figure A shows the modified proposal being short-spaced to an allotment for Channel 289B at Kingston, ON, Figure E shows that neither the licensed nor the modified 48 dBu interference contour will fall on any land area within Canada.

WVOA - DeRuyter, NY: WVOA presently operates on Channel 286B with an effective radiated power (ERP) of 42 kW and antenna height above average terrain (HAAT) of 165 meters. The transmitter site coordinates are NL 42-46-58 and WL 75-50-28. Figure AA is a tabulation of the present §73.207 spacings. As noted, WVOA is presently short-spaced to co-channel station WILQ, Williamsport, PA by 41.33 kilometers; to adjacent channel station WNGZ, Montour Falls, NY on Channel 285A by 9.11 kilometers; to adjacent channel station WKPQ, Hornell, NY on Channel 287B by 8.85 kilometers; to 2nd adjacent channel station WBBS, Fulton, NY on Channel 284B by 8.07 kilometers; to adjacent channel station WGKR, Grand Gorge, NY on Channel 287A by 1.77 kilometers; and to 3rd adjacent channel station WMRV-FM, Endicott, NY on Channel 289B by 1.30 kilometers. From this location, this firm has determined that a population of 669,300 person would reside within the 1 mV/m (60 dBu) contour and that 1,008,266 persons would reside within the 0.5 mV/m (54 dBu) contour.

Cram has proposed to file an application for a minor site change for WVOA. This application would propose transmitter coordinates of NL 42-55-19 and WL 75-47-45. The facilities proposed from this location specify an (ERP) of 26 kW at 210 meters HAAT.

If the Commission elects to accommodate WVOA's application, it should require that Cram specify a new site that is fully spaced to WTKV's revised reference coordinates. From this site, Cram will achieve the same goals as its application with an overall net gain of population for WVOA and the WTKV Granby proposal. For example, by proposing coordinates NL 42-56-03 and WL 75-45-18, equivalent facilities to the Cram application can be achieved. Figure BB is a tabulation of the §73.207 spacings from this location. From these coordinates, WVOA would reduce the short-spacing to WILQ from 41.33 kilometer to 23.18 kilometers, whereas Cram's application proposes a reduction to only 25.93 km. It would eliminate the short-spacings to WNGZ, WGKR, WKPQ, and to WMRV-FM as in the Cram application. (Note: Figure BB shows short-spacings to WGKR, Grand Gorge, NY by 0.46 kilometers and to WOWB, Little Falls, NY by 0.44 kilometers. However, when rounded to the nearest kilometer, the distances between the facilities will satisfy required FCC minimum spacing.) The short-spacing to WBBS, Fulton, NY is increased from 8.07 kilometers to 13.23 kilometers, whereas Cram's proposal would increase the short-spacing to 15.30 kilometers.

Figure CC shows the present and proposed WVOA 54 dBu protected service contours and 54 dBu interference contours versus the WNGZ, Montour Falls, NY 60 dBu protected and 48 dBu interference contours. As shown, the Galaxy proposal will totally eliminate the overlap of protected and interfering contours between the two stations. The Cram application did not eliminate the overlap between the WNGZ 48 dBu interference contour and the WVOA 54 dBu protected contour.

Figure DD shows the WILQ received interference from WVOA. Presently WVOA causes interference to a population of 10,519 persons over an area of 800.5 km². (Note: Cram's engineering consultant calculated approximately the same figures, a population of 11,867 persons and an area of 791 km².)[1] Galaxy's revised proposal would reduce this area of interference to a population of 1,665 persons in an area of 40.4 km². Cram's application, however, only proposes to reduce the interference population to 3,306 persons in an area of 166 km².

Figure EE shows the WVOA received interference from WILQ. Presently WILQ causes interference to a population of 46,950 persons in an area of 372.4 km². (Note: Cram's engineering consultant calculated approximately the same figures, a population of 46,099 persons and an area of 437 km².) Galaxy's revised proposal would reduce this area of interference to a population of 153 persons in an area of 4.6 km², while Cram's application only reduces the interference population to 3,122 persons in an area of 69 km².

Figure FF shows the present and proposed WVOA 54 dBu protected service and 48 dBu interference contours versus the WKPQ, Hornell, NY 54 dBu protected and 48 dBu interference contours. As shown, the Galaxy proposal will totally eliminate the overlap of protected and interfering contours between the two stations as also proposed in the Cram application.

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[1] Discrepancies between population and area figures from Cram's proposal and this instant modification can be attributed to different methods of contour calculations (i.e. number of radials employed, use of different terrain databases, rounding of contour distances to nearest kilometer). With the exceptions of Figures DD and EE, all populations determined in this engineering report were done using the block centroid method and Probe II™ software package from V-Soft Communications. Figures DD and EE were analyzed on the basis of uniform population distribution. All areas were determined by Probe II™ or through the use of a calibrated polar planimeter.

Galaxy has assumed the same power and height figures for this site as that proposed in the Cram application (26 kW ERP at 210 meters HAAT). All contour distance calculations have been based on these facilities. The Galaxy site is actually 80 feet higher in elevation than the site proposed by the Cram application. Figure HH is a topographical map showing Galaxy's proposed WVOA location. A shorter tower could be employed providing the same HAAT or the same height tower proposed in the Cram application could be used at a higher HAAT with a further reduced ERP.

Figure II is a map showing the present and proposed WVOA coverages. Figure JJ is a tabulation of populations and areas for these contours.

Gain and Loss Areas and Available Aural Services

Figure AAA is a tabulation of the Gain/Loss areas for the Galaxy proposals for Granby and WVOA. Page 1 of this figure shows a combined summary of the Gain/Loss areas for the Galaxy proposal versus the Cram application. Galaxy's total population gain will be 267,909 versus the Cram proposal of 261,963. WVOA will have a net gain in population of 148,943 persons versus the Cram proposal of 175,602. Galaxy's modified Granby rulemaking proposal will have a net gain in population of 118,966 versus the Cram proposal of 86,361.

Figure BBB is a map showing the present WTKV 1 mV/m contour versus the pending Granby rulemaking 1 mV/m contour. Figure CCC is a map showing the present WTKV 1 mV/m contour versus the 1 mV/m contour of the Cram proposal for the change in Granby reference coordinates. Figure DDD is a map showing the present WTKV 1 mV/m contour versus the 1 mV/m contour of the Galaxy proposal for a modification in the Granby reference coordinates.

Figure EEE is a map showing the present WVOA 1 mV/m contour versus the Cram application 1 mV/m contour. Figure FFF is a map showing the present WVOA 0.5 mV/m contour versus the Cram application 0.5 mV/m contour. Figure GGG is a map showing the present WVOA 1 mV/m contour versus the WVOA Galaxy proposal 1 mV/m contour. Figure HHH is a map showing the present WVOA 0.5 mV/m contour versus the WVOA Galaxy proposal 0.5 mV/m contour. All the maps from Figure BBB to Figure HHH have the common area between the two contours shaded.

The Cram application had determined that the move of WVOA would create a gain and loss area. As specified in Cram's application, all of Cram's gain area already is well-served by 5 or more services. Cram's proposal creates a loss area of 57,046 persons, offsetting almost 24.5% of the proposed gains. More important, Cram's proposal creates underserved areas where only 3 and 4 fulltime services would be received. This firm has calculated slightly different populations and areas for the overall gain and loss areas.[2] The following are tables of calculations with regards to these areas.

Area	No. of Services	Population in 1 mV/m Contour	Area within 1 mV/m Contour
WVOA Gain Area	5 or more	232,648	2,184 km²
TOTAL		232,648	2,184 km²

Area	No. of Services	Population in 1 mV/m Contour	Area within 1 mV/m Contour
WVOA Loss Area	5 or more	55,519	1,881 km²
	4	1,527	90 km²
	3	0	2 km²
TOTAL		57,046	1,973 km²

Figure GG is a map showing the gain and loss areas from the Galaxy proposal for WVOA. As in the Cram application, all of the gain area proposed for WVOA already is well-served with at least 5 or more fulltime services. As shown in the expanded views on pages 2 and 3 of Figure GG, Galaxy's proposal will eliminate the small area of 3 services created by the Cram application. It also reduces the population and area of 4 services created by the loss area from 1527 persons to 1,494 persons and from 90 km² to 84 km². The following are tables of calculations made by this firm with regards to these areas.

Area	No. of Services	Population in 1 mV/m Contour	Area within 1 mV/m Contour
WVOA Gain Area	5 or more	242,839	2,429 km²
TOTAL		242,839	2,429 km²

[2] It appears that Cram's proposal uses circles based on maximum class facilities for each commercial FM station, rounded to the nearest whole kilometer (i.e. Class A distance equals 28 kilometers). This instant modification used the same methodology but rounded the distance for the circles to the nearest tenth kilometer (i.e. Class A distance equals 28.3 kilometers).

Area	No. of Services	Population in 1 mV/m Contour	Area within 1 mV/m Contour
WVOA Loss Area	5 or more	92,402	2,478 km²
	4	1,494	84 km²
TOTAL		93,896	2,562 km²

The engineering analysis provided by Cram relied on the use of the 1.0 mV/m (60 dBu) service contours for both WTKV/Granby and WVOA. This is considered the "common denominator" service contour for FM facilities and has been used throughout much of this analysis, as well. It is considered the "standard" contour for determining population within a station's service area, especially when stations from differing classes are being compared. However, under some circumstances—especially those involving the provisions of §73.213 and §73.215—the 0.5 mV/m (54 dBu) contour is considered the "protected" contour for purposes of interference analysis. Therefore, the tabulations for WVOA in Figure AAA of this report have been expanded to included data for both the 1.0 mV/m and 0.5 mV/m contours.

In evaluating the population within the 1.0 mV/m service contours for each station, it must be concluded that the instant modification suggested by Galaxy provides increased service to more total population than the Cram counterproposal. In addition, under the modification requested by Galaxy, the gains are more equitably distributed between the Granby facility and WVOA. Under the original rulemaking filed by Galaxy, the Granby facility would have experienced an increase in population within the service area of 149,991. However, the Cram proposal would reduce this gain to only 86,361—a 42% reduction in service population. The instant modification requested by Galaxy would restore this number to 118,966, a 21% decrease from the original Granby rulemaking, while reducing the increase in population within WVOA's modified service area by only 15%-from 175,602 to 148,943. In addition, the combined net increase in service would actually increase from 261,963 to 267,909. Thus, the Galaxy modification complies with both the letter and spirit of §307(b) of the Communications Act of 1934 as amended, which requires, "In considering applications for licenses, and modifications … the Commission shall make such distribution … as to provide a fair, efficient, and equitable distribution of radio service."

Munn-Reese Inc.
Coldwater MI 49036

FIGURE A - Revised Rulemaking Reference Point
Granby New York

REFERENCE
43 17 44 N
76 26 16 W

CLASS = A
Current Spacings
Channel 288 - 105.5 MHz

DISPLAY DATES
DATA 11-11-00
SEARCH 11-15-00

Call	Channel	Location		Dist	Azi	FCC	Margin
N. Lat.	W. Lng.		Power		HAAT		
RADD	ADD 288A	Granby	NY	0.00	0.0	115.0	-115.00
43 17 44	76 26 16	N	6.000 kW		100 M		
Galaxy Counterproposal to WVOA							
RADD	288A	GRANBY	NY	1.99	310.7	115.0	-113.01
43 18 26	76 27 23	N	6.000 kW		100 M		
Cram Counterproposal							
RADD	ADD 288A	Granby	NY	2.19	128.5	115.0	-112.81
43 17 00	76 25 00		6.000 kW		100 M		
			RM9953				
RDEL	DEL 288A	Oswego	NY	13.51	350.6	115.0	-101.49
43 24 56	76 27 54		6.000 kW		100 M		
			RM9953				
WTKV	LIC 288A	Oswego	NY	13.51	350.6	115.0	-101.49
43 24 56	76 27 54	CN	4.000 kW		121 M		
Radio Corporation			BLH19970819KC				
R---	289B	Kingston	ON	95.50	358.3	113.0	-17.50
44 09 17	76 28 23		50.000 kW		150 M		
R---	289B	Kingston	ON	101.40	1.0	113.0	-11.60
44 12 29	76 24 58		50.000 kW		150 M		
WVOA.A	APP 286B	DeRuyter	NY	66.73	128.3	69.0	-2.27
42 55 19	75 47 45	CN	26.000 kW		210 M		
Cram Counterproposal							
WVOA.P	APP 286B	DeRuyter	NY	68.56	125.7	69.0	-0.44
42 56 03	75 45 18	CN	50.000 kW		150 M		
Galaxy Counterproposal							
WMJQ.A	APP 288A	Brockport	NY	118.25	271.3	115.0	3.25
43 18 38	77 53 42	CX	6.000 kW		100 M		
Canadaigua Broadcasting, I			BPH20001002AHQ				
WLTI	LIC 290A	Syracuse	NY	34.36	140.1	31.0	3.36
43 03 30	76 10 00	CN	4.000 kW		61 M		
Citadel Broadcasting Compa			BLH19971007KC				
WVOA	LIC 286B	Deruyter	NY	74.90	139.4	69.0	5.90
42 46 58	75 50 28	CN	42.000 kW		165 M		
Cram Communications Llc			BLH5001				
AL289	VAC 289A	Kingston	ON	104.29	357.3	98.0	6.29
44 14 00	76 30 00	N	6.000 kW		100 M		
WMJQ	LIC 288A	Brockport	NY	123.43	265.4	115.0	8.43
43 11 45	77 57 05	ZCN	3.000 kW		68 M		
Canadaigua Broadcasting, I			BLH19981130KA				

Munn-Reese Inc.
Coldwater MI 49036

FIGURE A - Revised Rulemaking Reference Point
Granby New York

REFERENCE
43 17 44 N
76 26 16 W

CLASS = A
Current Spacings
Channel 288 - 105.5 MHz

DISPLAY DATES
DATA 11-11-00
SEARCH 11-15-00

Call / N. Lat.	Channel / W. Lng.	Location		Power	Dist	Azi / HAAT	FCC	Margin
WOWB	LIC 288A	Little Falls	NY	2.250 kW	128.16	104.8 / 161 M	115.0	13.16
42 59 27	74 55 06	CN						
Towpath Communications, In				BLH19931022KB				
WMRVFM	LIC 289B	Endicott	NY	35.000 kW	133.41	164.3 / 174 M	113.0	20.41
42 08 20	75 59 58	CN						
Clear Channel Broadcasting				BLH6850				
R---	289A	Kingston	ON	6.000 kW	104.31	357.3 / 100 M	72.0	32.31
44 14 00	76 30 00							

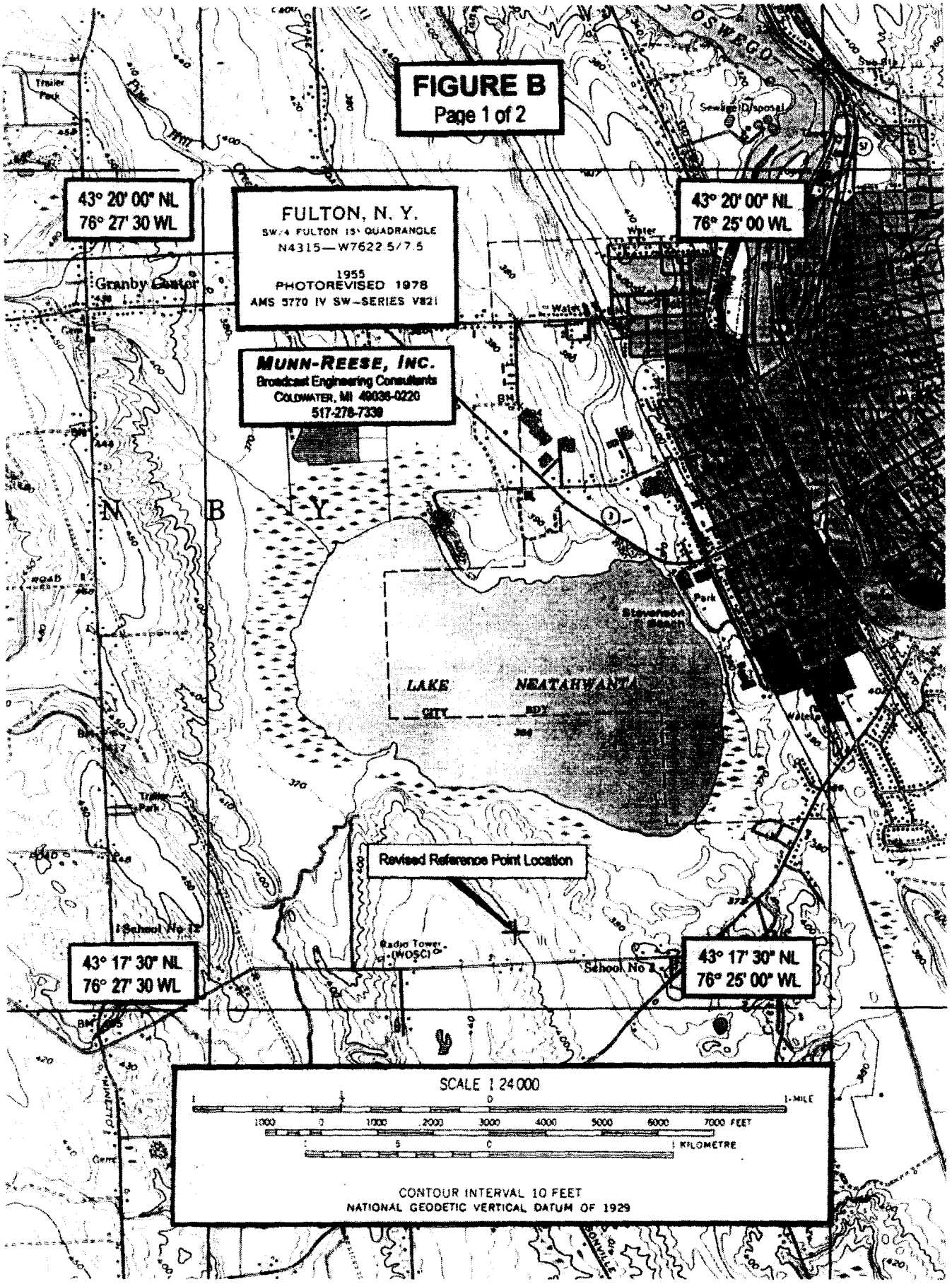
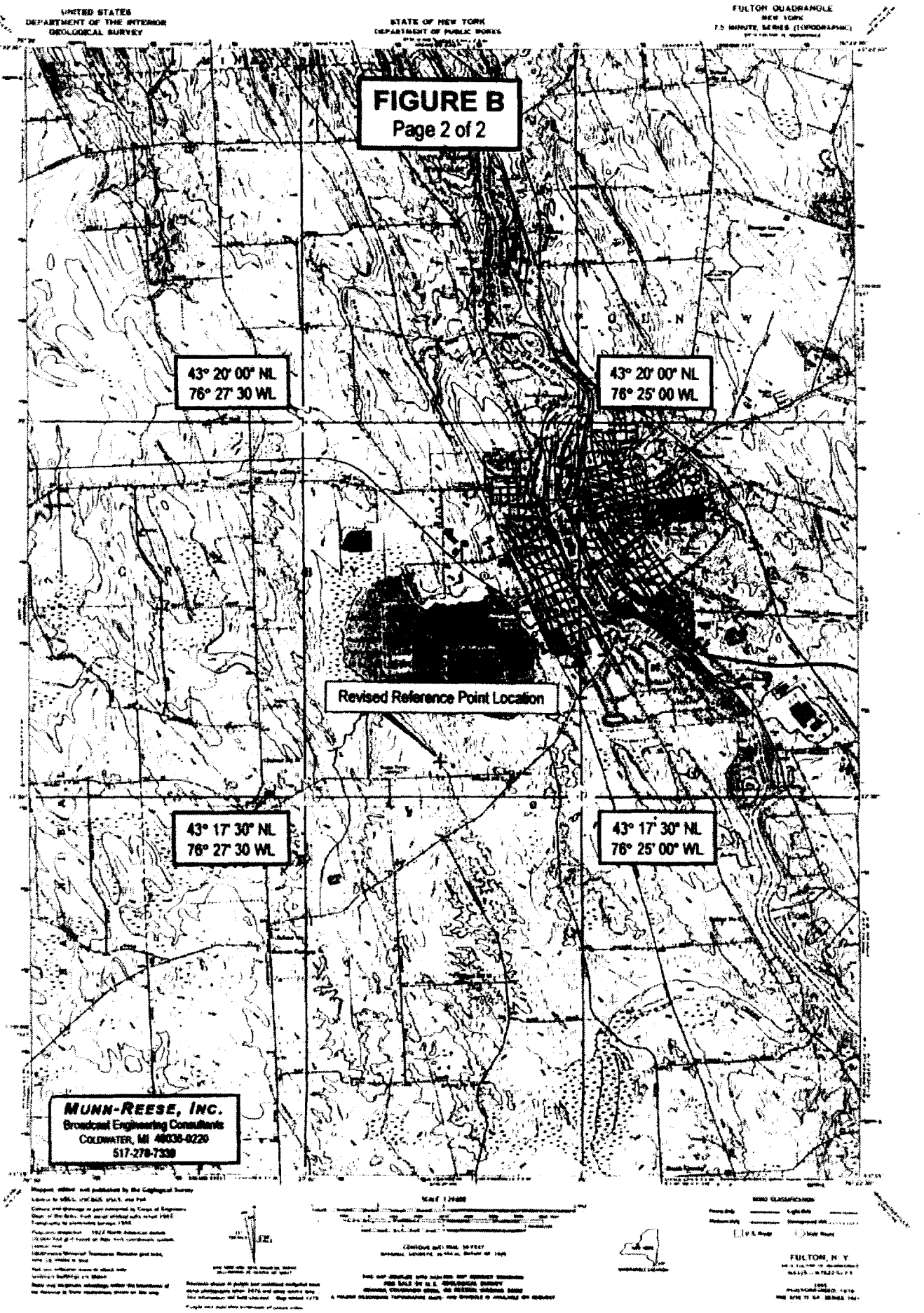


FIGURE B
Page 1 of 2
43° 20' 00" NL
76° 27' 30 WL
43° 20' 00" NL
76° 25' 00 WL
FULTON, N. Y.
SW-4 FULTON 15' QUADRANGLE
N4315—W7622.5/7.5
1955
PHOTOREVISED 1978
AMS 5770 IV SW—SERIES V821
MUNN-REESE, INC.
Broadcast Engineering Consultants
COLDWATER, MI 49036-0220
517-278-7339
N
B
Y
LAKE
NEATAHWANTA
Revised Reference Point Location
43° 17' 30" NL
76° 27' 30 WL
43° 17' 30" NL
76° 25' 00" WL
SCALE 1:24000
1 0 1-MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 0 KILOMETRE
CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
STATE OF NEW YORK
DEPARTMENT OF PUBLIC WORKS
FULTON QUADRANGLE
NEW YORK
7.5 MINUTE SERIES (TOPOGRAPHIC)
FIGURE B
Page 2 of 2
43° 20' 00" NL
76° 27' 30 WL
43° 20' 00" NL
76° 25' 00 WL
Revised Reference Point Location
43° 17' 30" NL
76° 27' 30 WL
43° 17' 30" NL
76° 25' 00" WL
MUNN-REESE, INC.
Broadcast Engineering Consultants
COLDWATER, MI 49036-9220
517-278-7339
FULTON, N. Y.

Munn-Reese, Inc.

Granby-Mod
Modified Ref Pt
Latitude: 43-17-44 N
Longitude: 076-26-16 W
Power: 6.00 kW
Channel: 288
Frequency: 105.5 MHz
AMSL Height: 227.0 m
Elevation: 121.311 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: FCC Curves

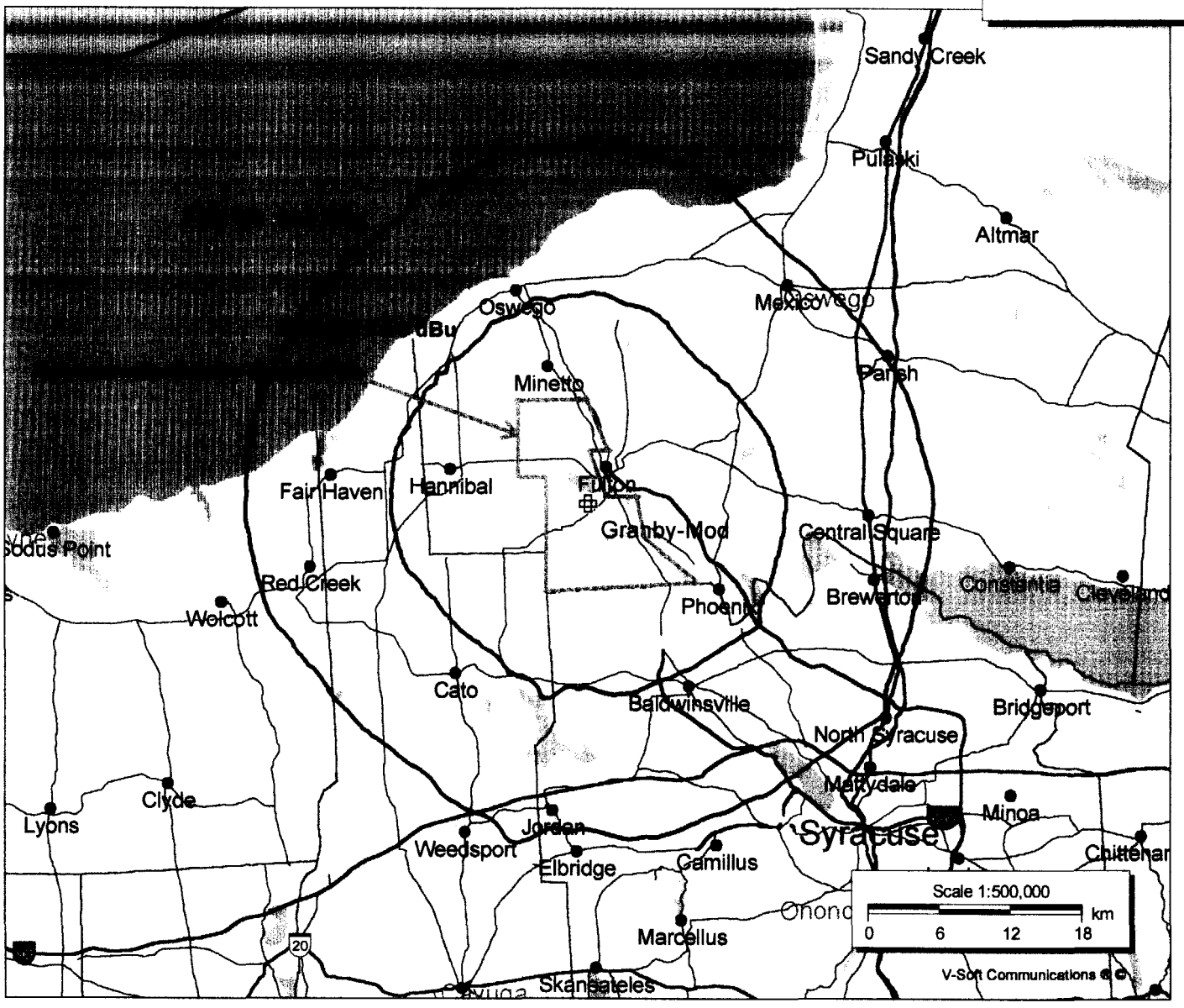


FIGURE C

FIGURE D

TABULATION OF POPULATION AND AREA

CONTOUR	AREA	POPULATION
1.0 mV/m	2,276.85 km²	215,684

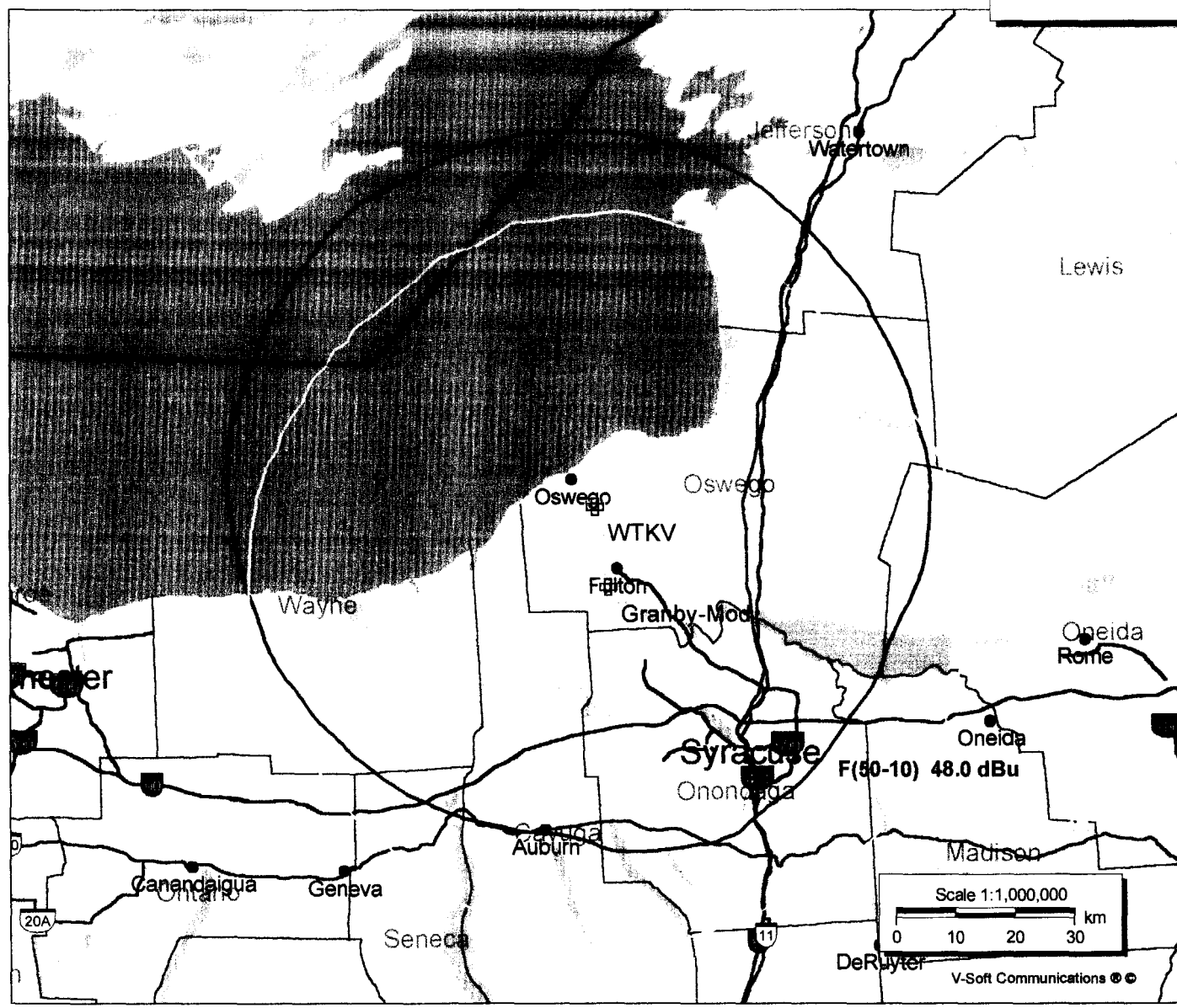
The population within the 1.0 mV/m contour was determined by superimposing the desired contour onto US Standard Civil Division maps of the 1990 Census. The data was computer generated using the Probe II™ program from V-Soft Communications, which bases its population count on census block centroid data obtained from the "1990 Census of Population and Housing Public Law 94-171" data set.

The service area was derived by measuring the land area within the 1.0 mV/m contour shown in Figure C. Measurements were made with a calibrated polar planimeter.

Munn-Reese, Inc.

WTKV
BLH19970819KC
Latitude: 43-24-56 N
Longitude: 076-27-54 W
Power: 4.00 kW
Channel: 288
Frequency: 105.5 MHz
AMSL Height: 235.0 m
Elevation: 117.58 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

Granby-Mod
Modified Ref Pt
Latitude: 43-17-44 N
Longitude: 076-26-16 W
Power: 6.00 kW
Channel: 288
Frequency: 105.5 MHz
AMSL Height: 227.0 m
Elevation: 121.311 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None



WTKV
Granby-Mod

FIGURE E